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Arnold Schwarzenegger
Governor

June 16, 2004

Mr. Stephen Burrell, Public Works Director
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

RE: City of Hermosa Beach's Time Extension Status Update: Results of Preliminary Review

Dear Mr. Burrell:

Thank you for your time in meeting with Phil Moralez, Primitivo Nuñez, and myself on June 10, 2004 to discuss the City's progress with implementing the Plan of Correction included in the City's SB 1066 Time Extension. As we discussed at the meeting, the purpose of this letter is to formally provide a 60-day notice to confer on the issuance of a Compliance Order for not implementing the programs needed by the City to achieve California's diversion requirements.

The City did implement many of the programs described in the Time Extension, but the City did not implement processing of commercial waste at a Material Recovery Facility (MRF), the most significant planned commercial program expansions that the City committed to implementing in its Board approved time extension. Board staff reviewed the City's Time Extension update submitted January 5, 2004. Although this status update and previous updates reflected full program implementation of commercial diversion programs, Board staff noted a substantial increase in 2002 disposal and requested the City's franchise hauler tonnage report for 2003 to review the effectiveness of new programs to reduce disposal. Information provided by the hauler revealed that the MRF program was not implemented and minimal commercial source separation occurred. The City's Plan of Correction indicates that these programs would be fully implemented in the year 2003.

At our meeting on June 10, the City confirmed that the commercial MRF program was not implemented and that previous status reports reflecting full implementation were inaccurate. City representatives committed to immediately meeting with the City franchise hauler to evaluate commercial diversion options that will introduce routing commercial waste to a MRF.

California Environmental Protection Agency

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At its July 2003, Board meeting, the Board accepted the recommendation that if a jurisdiction is found not to be implementing their Time Extension, or significant portions, then Board staff would recommend that the Board end the extension and commence the Biennial Review, which could lead to issuance of a Compliance Order. Board staff has identified that significant portion of the time extension was not implemented and is proposing to end the City's Time Extension and proceed with a Biennial Review of the City's program implementation progress that would consider the issuance of a Compliance Order. Please note that this letter serves not only to address our concerns with the City's program gaps, but to also initiate the 60-day conferring process for a Compliance Order.

As I offered in our meeting, our office would like to work with the City in evaluating the programs needed to enable the City to achieve diversion requirements. If you have any questions about this letter and my site review/program verification results, please contact me at (562) 981-9095.

Respectfully,



Steve Uselton, Supervisor
Los Angeles Local Assistance Section